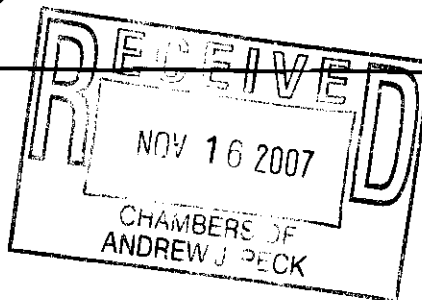
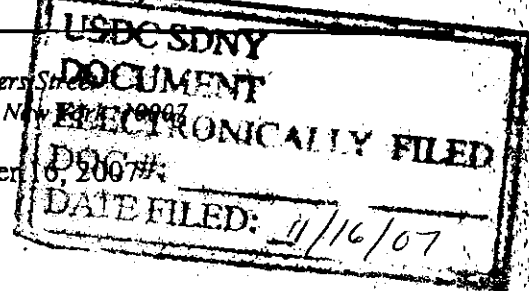


**U.S. Department of Justice****United States Attorney
Southern District of New York**86 Chambers Street
New York, New York 10007

November 16, 2007

**By Facsimile**

Hon. Andrew J. Peck
U.S. Magistrate Judge
U.S. Courthouse
500 Pearl Street, Room 1370
New York, NY 10007
Fax: (212) 805-7933

MEMO ENDORSED - p2**Trueborn My Allah v. Lappin, No. 07 Civ. 5546 (GEL) (AJP)****Dear Judge Peck:**

I am writing to advise the Court of a significant development in the above-referenced matter, in which plaintiff *pro se* claims that the Federal Correctional Institution at Otisville, New York, must maintain a separate administrative classification for followers of the Nation of Gods and Earths, and respectfully to request that the Court schedule a status conference at its earliest convenience.

Subsequent to the last status conference in this case, plaintiff was re-sentenced by the court in which he was convicted, the United States District Court for the District of Massachusetts. Plaintiff's sentence was reduced to time served, and as a result he has been released from the custody of the Bureau of Prisons. Although it is the Government's belief that plaintiff's claims for injunctive or similar relief are moot, the Government is unaware whether plaintiff intends to maintain this litigation in any respect subsequent to his release, and, if so, whether plaintiff will modify his complaint, including by abandoning the injunctive claims. In order to clarify the issues before the Court and avoid unnecessary briefing and presentation of matters that are no longer live issues, the Government respectfully requests that the Court schedule a status conference prior to the deadline for the Government to file its motion to dismiss, December 3, 2007, or in the alternative postpone the Government's time to respond until a reasonable time after the status conference currently scheduled for December 10, 2007.

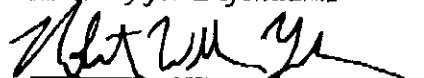
It is the Government's understanding that plaintiff's current address is 96 Norfolk Street, #2, Dorchester, Massachusetts, 02324, rather than the North Carolina address listed in the Court's docket sheet. The Government is sending this letter to both addresses to ensure prompt receipt by the plaintiff. Unfortunately, the Government does not have the plaintiff's current telephone number.

I thank the Court for its consideration.

Respectfully,

MICHAEL J. GARCIA
United States Attorney
Attorney for Defendants

By:



ROBERT WILLIAM YALEN
Assistant United States Attorney
Tel.: (212) 637-2722
Fax: (212) 637-2687

cc (by Fed Ex):

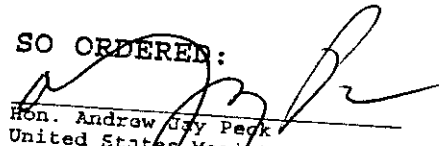
Joseph Aitoro a/k/a/ Trueborn My Allah
96 Norfolk Street, #2
Dorchester, MA 02324

Joseph Aitoro a/k/a/ Trueborn My Allah
113 Oakhill Drive
Lexington, NC 27295

MEMO ENDORSED ^{11/16/07}

The warrant is returned for 12/7 at 9:30 AM
(not 12/10). The Court's time is required to
the court is ordered to 12/14/07. The
docket entry of 2/1/08, however, remains
undisturbed.

SO ORDERED:


Hon. Andrew Jay Peck
United States Magistrate Judge

copy: Mr. Aitoro/Allah (wait/kept out)
Mr. Cohen (for)
John Lyman

-2-

BY FAX

FAX TRANSMITTAL SHEET



**ANDREW J. PECK
UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT**

Southern District of New York
United States Courthouse
500 Pearl Street, Room 1370
New York, N.Y. 10007-1312

Fax No.: (212) 805-7933
Telephone No.: (212) 805-0036

Dated: November 16, 2007

Total Number of Pages: 3

TO	FAX NUMBER
Robert W. Yalen, Esq.	212-637-2687

TRANSCRIPTION:

MEMO ENDORSED 11/16/07

The conference is scheduled for 12/7 at 9:30 a.m. (not 12/10). The Govt's time to respond to the complaint is extended to 12/14/07. The discovery cutoff of 2/1/08, however, remains unchanged.

Copies to: Joseph Aitoro a/k/a Trueborn My Allah
(Regular & Certified Mail; MA & NC addresses)
Judge Gerard E. Lynch